

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Empowering Broadband Consumers	)	CG Docket No. 22-2
Through Transparency	)	

**COMMENTS OF VIASAT, INC.**

Viasat, Inc. submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) released on January 27, 2022 in the above-referenced proceeding.<sup>1</sup> In the NPRM, the Commission seeks comment on a proposal to “require that broadband Internet access service providers (ISPs) display, at the point of sale, labels to disclose to consumers certain information about prices, introductory rates, data allowances, broadband speeds, and management practices, among other things”<sup>2</sup>—consistent with Congress’s recent directive in the Infrastructure Investment and Jobs Act (the “Infrastructure Act”).<sup>3</sup>

Viasat supports the Commission’s efforts to ensure transparency with respect to the broadband services made available to consumers. Appropriate disclosures ensure that consumers are fully informed about the broadband services they are purchasing and are able to compare competitive options across a range of characteristics. That said, Viasat believes that the Commission should consider certain updates to the standard label adopted as a safe harbor in 2016 to better inform consumers of their options when purchasing broadband services.

---

<sup>1</sup> See *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Notice of Proposed Rulemaking, FCC 22-7 (rel. Jan. 27, 2022) (“NPRM”).

<sup>2</sup> *Id.* ¶ 3.

<sup>3</sup> See Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, § 60504(a) (2021).

In particular, the Commission should consider including a broader set of performance characteristics in the standard label, to avoid unnecessarily restricting a consumer's ability to evaluate a given service offering and decide what service attributes truly matter for a given application or use case. The label proposed in the NPRM would disclose only typical downstream and upstream speeds, latency, and packet loss as performance characteristics.<sup>4</sup> But consumers may well find information about additional performance characteristics useful as they consider their own anticipated uses of the service. For instance, jitter (or the variation in latency/delay over time) is an important metric for understanding the quality of interactive, real-time applications, and low rates of jitter can mitigate any impact that may result from latency/delay in the first instance. Service interruptions also can have a significant impact on the quality of the end-user experience, whereas high levels of service availability are the *sine qua non* of a reliable service offering. The Commission should consider either mandating that all providers include information about such service attributes in their broadband labels or, at a minimum, giving providers the option of including such information in their labels.

Additionally, the Commission should consider specifying standard methodologies for the measurement of performance characteristics included in providers' broadband labels. While having a standard list of performance characteristics in the labels will "assist consumers with the purchase process" to some degree,<sup>5</sup> specifying standard methodologies for measuring those characteristics would enable consumers to make truly apples-to-apples comparisons of competing service plans. Absent such standard methodologies, a consumer may not have complete confidence that, for instance, two providers disclosing the same typical speeds used the

---

<sup>4</sup> See NPRM, App'x B.

<sup>5</sup> *Id.* ¶ 15.

same measurement approach to arrive at those figures. The Commission has developed standard performance measurement methodologies in other contexts—most notably in connection with its Connect America Fund and Rural Digital Opportunity Fund programs.<sup>6</sup> The Commission could consider doing the same here, with an emphasis on ensuring that any specified methodology filters out factors outside the broadband provider’s control, so that consumers can readily and accurately compare the network capabilities of competing broadband providers.

\* \* \* \* \*

Viasat looks forward to working with the Commission and other stakeholders to develop a standard broadband label that gives consumers the information they need to make informed decisions about broadband offerings in today’s competitive marketplace.

Respectfully submitted,

/s/

Jarrett S. Taubman  
VP & Deputy Chief Government Affairs and  
Regulatory Officer  
VIASAT, INC.  
901 K Street NW, Suite 400  
Washington, DC 20001

March 9, 2022

---

<sup>6</sup> See *Connect America Fund*, Order, 33 FCC Rcd 6509 (WCB/WTB/OET 2018); *Connect America Fund*, Order on Reconsideration, 34 FCC Rcd 8081 (WCB/WTB/OET 2019); *Connect America Fund*, Order on Reconsideration, 34 FCC Rcd 10109 (2019); see also *Rural Digital Opportunity Fund*, Public Notice, 35 FCC Rcd 6077 ¶ 15 & n.21 (applying performance measurement methodologies for Connect America Fund recipients to Rural Digital Opportunity Fund recipients).